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PATENT
ATTORNEY DOCKET: 46969-5128

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Takehiko SHIODA et al.) Confirmation No.: 9634
)
Application No.: 09/892,791) Group Art Unit: 2621
)
Filed: June 28, 2001) Examiner: Helen Shibru
)
For: STORAGE MEDIUM, APPARATUS)
FOR CREATING RECORDATION)
DATA THEREFOR AND)
APPARATUS FOR RESTORING)
RECORDED DATA)

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop Amendment
Alexandria, VA 22314

Sir:

RESPONSE TRANSMITTAL FORM

1. Transmitted herewith is a Response to the Office Action dated November 28, 2007.
2. Additional papers enclosed:

- ☐ Drawings: _____ sheets with _____ figures
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \$ 0

If an additional extension of time is required, please consider this a Petition therefor.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. § 1.16(c))	12	minus	40	0	x \$50 each =	+ \$0.00
Independent Claims (37 C.F.R. § 1.16 (b))	2	minus	8	0	x \$200 each =	+ \$0.00
[] First presentation of Multiple dependent claim(s)					\$360.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

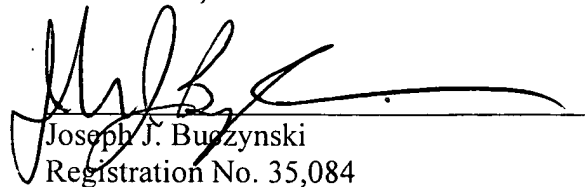
6. Fee Payment

- ☒ No fee is to be paid at this time.
- ☐ Enclosed is a check in the amount of \$__ for the two-month extension of time fee.
- ☐ The Commissioner is hereby authorized to charge ____ to Deposit Account No. 50-0573 for the _____ fee.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0573.

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP

By:



Joseph J. Buczynski
Registration No. 35,084

Dated: December 21, 2007

Customer No. 055694**DRINKER, BIDDLE & REATH LLP**

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RESPONSE TO ELECTION OF SPECIES REQUIREMENT

In response to the Office Action dated November 28, 2007, please consider the following.

In the Office Action, the Examiner contends that the Response to the Election of Species Requirement filed on September 4, 2007 was nonresponsive, in that Applicants are required to elect a single Subspecies in addition to a Species.

In response, Applicants hereby elect Species 1 (Fig. 1) and Subspecies 1.1A (Fig. 6) for prosecution. Applicants further respectfully submit that at least claims 1-9, 11-20, 22-26 and 30 are readable on at least Fig. 1 (Species 1) and Fig. 6 (Subspecies 1.1A).